

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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DAVID KLUCKA,

Case No. 2:15-CV-1535 JCM (PAL)

Plaintiff(s),

ORDER

V.

RANDALL REGO, et al.,

Defendant(s).

Presently before the court is Magistrate Judge Peggy Leen's report and recommendation (ECF No. 10) regarding plaintiff's application to proceed *in forma pauperis* (ECF Nos. 5, 7). No timely objections to the report and recommendation have been filed.

This court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate.” 28 U.S.C. § 636(b)(1). If a party fails to object to a magistrate judge’s report and recommendation, however, the court is not required to conduct “any review at all . . . of any issue that is not the subject of an objection.” *Thomas v. Arn*, 474 U.S. 140, 149 (1985). Indeed, the Ninth Circuit has recognized that a district court is not required to review a magistrate judge’s report and recommendation where no objections have been filed. *See United States v. Reyna-Tapia*, 328 F.3d 1114 (9th Cir. 2003) (disregarding the standard of review employed by the district court when reviewing a report and recommendation to which no objections were made); *see also Schmidt v. Johnstone*, 263 F. Supp. 2d 1219, 1226 (D. Ariz. 2003) (reading the Ninth Circuit’s decision in *Reyna-Tapia* as adopting the view that district courts are not required to review “any issue that is not the subject of an objection.”).

Nevertheless, this court finds it appropriate to engage in a *de novo* review to determine whether to adopt the recommendation of the magistrate judge.

This court finds that Magistrate Judge Leen properly invoked 28 U.S.C. § 1915(g) to evaluate plaintiff's motions to proceed *in forma pauperis*. (ECF No. 10); *see, e.g., Klucka v. Lippis*,

1 Case No. 2:05-cv-01285-JCM-GWF (D. Nev. Nov. 29, 2006). Moreover, this court agrees with
2 the magistrate judge that the present case does not involve any “imminent danger of serious
3 physical injury.” 28 U.S.C. § 1915(g). Therefore, plaintiff is precluded in this case from bringing
4 an action under § 1915.

5 Accordingly,

6 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the report and
7 recommendation of Magistrate Judge Leen, (ECF No. 10) be, and the same hereby are, ADOPTED
in their entirety.

8 IT IS FURTHER ORDERED that plaintiff’s motions to proceed *in forma pauperis*, (ECF
9 Nos. 5, 7) be, and the same hereby are, DENIED with prejudice.

10 The clerk shall enter judgment accordingly and close the case.

11 DATED October 18, 2016.

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13 UNITED STATES DISTRICT JUDGE